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*Attorneys for Plaintiff Wells Fargo Bank,  
N.A., as Trustee for the Holders of the SARM  
2005-14 Trust Fund*

# UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

WELLS FARGO BANK, N.A., AS TRUSTEE  
FOR THE HOLDERS OF THE SARM 2005-14  
TRUST FUND,

Plaintiff,

vs.

TIDES I HOA AKA THE SANCTUARY  
OWNERS ASSOCIATION; NEVADA  
ASSOCIATION SERVICES, INC.; DOE  
INDIVIDUALS I-X, inclusive, and ROE  
CORPORATIONS I-X, inclusive,

Defendants.

Case No.: 2:15-cv-01204-MMD-PAL

## STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING EXISTENCE AND VALIDITY OF DEED OF TRUST

Plaintiff Wells Fargo Bank, N.A., as Trustee for the Holders of the SARM 2005-14 Trust Fund  
(**Wells Fargo**), and defendant Tides I HOA aka The Sanctuary Owners Association (**Tides** or **HOA**)  
stipulate as follows:

1. This matter relates to real property located 8037 Arcadian Lane, Las Vegas, Nevada  
89147-3711, APN 163-16-615-037. The property is more specifically described as:

### PARCEL 1:

**LOT ONE HUNDRED EIGHT (108) BLOCK TWO (2) OF CIMARRON  
SPRINGS – UNIT 1, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 80  
OF PLATS, PAGE 38 IN THE OFFICE OF THE COUNTY RECORDER OF  
CLARK COUNTY, NEVADA.**

APN: 163-16-615-037

47766402;1

**PARCEL 2:**

**A NON-EXCLUSIVE EASEMENT AS TO EACH LOT FOR INGRESS, EGRESS, USE AND ENJOYMENT IN AND TO THE COMMON ELEMENTS AND PRIVATE DRIVES AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR THE SANCTUARY OWNERS ASSOCIATION RECORDED MARCH 25, 1998 IN BOOK 980325 AS DOCUMENT NO. 01108 SUPPLEMENTS IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.**

2. Wells Fargo is the beneficiary of record of a deed of trust that encumbers the Property and was recorded on March 31, 2005 as Instrument No. 20050331-0003381, in the Official Records of Clark County, Nevada (the **Deed of Trust**).

3. On August 3, 2012, Tides recorded a foreclosure deed as Instrument No. 201208170001129 in the Official Records of Clark County, Nevada (the **HOA Foreclosure Deed**), reflecting that Tides purchased the property at a foreclosure sale of the property conducted by Nevada Association Services, Inc. (**NAS**) on August 3, 2012 (the **HOA Sale**). Tides has not transferred its interest in the property and is still the title holder of record.

4. On June 24, 2015, Wells Fargo initiated a quiet title action against Tides and NAS in the United States District Court, District of Nevada, Case No. 2:15-cv-01204.

5. Wells Fargo, Tides and Bank of America, N.A. have entered a confidential settlement agreement in which they have settled all claims between them in this case. This stipulation and order applies to the matters addressed in this particular case only and has no relevance to any other matter.

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6. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale. The Deed of Trust remains a valid encumbrance against the property following the recording of the HOA Foreclosure Deed, and Tides' ownership interest in the property is subject to the Deed of Trust. Nothing in this Order alters the HOA's lien rights or lien priority pursuant to NRS 116.

DATED this 2nd day of April, 2019.

**AKERMAN LLP***/s/ Tenesa Powell*

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**ORDER**

Based on the above stipulation between plaintiff Wells Fargo Bank, N.A., as Trustee for the Holders of the SARM 2005-14 Trust Fund (**Wells Fargo**), and defendant Tides I HOA aka The Sanctuary Owners Association (**Tides** or **HOA**), the Parties' agreement, and good cause appearing therefore,

**IT IS ORDERED** that the deed of trust recorded in the Official Records of Clark County, Nevada against the real property located at 8037 Arcadian Lane, Las Vegas, Nevada 89147-3711, APN 163-16-615-037 on March 31, 2005 as Instrument No. 20050331-0003381, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the property conducted by Tides and Nevada Association Services, Inc. on August 3, 2012 or the recording of the HOA foreclosure deed in the Official Records of Clark County, Nevada, on August 17, 2012, as Instrument No. 201208170001129, reflecting that Tides purchased the property at the HOA Sale. Tides' ownership interest in the property is subject to the deed of trust.

**IT IS FURTHER ORDERED** that Wells Fargo shall be entitled to record this STIPULATION AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

**IT IS FURTHER ORDERED** that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

DATED this 2nd day of April, 2019.



DISTRICT COURT JUDGE